

AMENDED IN ASSEMBLY MARCH 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2713

Introduced by Assembly Member Chiu
(Coauthor: Assembly Member Mullin)

February 19, 2016

An act to ~~amend Section 14770 of~~ *add Section 65850.8 to the* Government Code, relating to ~~state government forms~~ *local government*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2713, as amended, Chiu. ~~Statewide forms management program.~~
Land use: local ordinances: energy systems.

Existing law, the Planning and Zoning Law, among other things, requires the legislative body of each county and city to adopt a general plan for the physical development of the county or city and authorizes the adoption and administration of zoning laws, ordinances, rules, and regulations by counties and cities.

Existing law requires a city, county, or city and county to approve an application for the installation of electric vehicle charging stations, as defined, through the issuance of specified permits unless the city or county makes specified written findings. Existing law provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of electric vehicle charging stations is a matter of statewide concern.

This bill would require a city, county, or city and county to approve an application for the installation of advanced energy storage, as defined, through the issuance of specified permits unless the city or county makes specified written findings based upon substantial evidence in the record that the proposed installation would have a specific,

adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The bill would provide that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of advanced energy storage systems is a matter of statewide concern.

This bill would require advanced energy storage system to meet specified standards. The bill would, on or before January 31, 2018, for a city, county, or city and county with a population of 200,000 or more residents, or June 30, 2018, for a city, county, or city and county with a population of less than 200,000 resident, require every city, county, or city and county to create an expedited and streamlined permitting process for advanced energy storage installations. The bill would require the city, county, or city and county, in developing the ordinance, to refer to documented best practices, and would require the ordinance to substantially comply with the California Energy Storage Permitting Guidebook. The bill would also require, in developing an expedited review and checklist, the city, county, or city and county to develop a simplified standard plan so that an engineering plan check is unnecessary for standard advanced energy storage system configurations.

The bill would require the Governor's Office of Planning and Research, on or before September 30, 2017, to create a California Energy Storage Permitting Guidebook, as specified.

By increasing the duties of local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law requires the Director of General Services to establish and staff the forms management center for the orderly design, implementation, and maintenance of a statewide forms management program.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 65850.8 is added to the Government Code,*
2 *to read:*

3 65850.8. (a) *The Legislature finds and declares all of the*
4 *following:*

5 (1) *The implementation of consistent statewide standards to*
6 *achieve the timely and cost-effective installation of advanced*
7 *energy storage is not a municipal affair, as that term is used in*
8 *Section 5 of Article XI of the California Constitution, but is instead*
9 *a matter of statewide concern.*

10 (2) *It is the intent of the Legislature that local agencies not*
11 *adopt ordinances or impose permitting, plan review, or inspection*
12 *requirements that create unreasonable barriers to the installation*
13 *of advanced energy storage and not unreasonably restrict the*
14 *ability of homeowners and agricultural and business concerns to*
15 *install advanced energy storage.*

16 (3) *It is the policy of the state to promote and encourage the*
17 *installation of advanced energy storage and to limit obstacles to*
18 *its use in order to increase the reliability, safety, and resilience of*
19 *the state's electrical system.*

20 (4) *It is the intent of the Legislature that local agencies comply*
21 *not only with the language of this section, but also the legislative*
22 *intent to encourage the installation of advanced energy storage*
23 *by removing obstacles to, and minimizing costs of, permitting and*
24 *inspection of those installations while ensuring they are installed*
25 *safely and reliably.*

26 (5) *It is further the intent of the Legislature that the applicable*
27 *state agencies, including the Governor's Office of Planning and*
28 *Research, extend and expand the existing initiative being conducted*
29 *by the Public Utilities Commission to further note best practices*
30 *in the safe permitting of advanced energy storage. That effort*
31 *should ultimately produce an Advanced Energy Storage Permitting*
32 *Guidebook, taking advantage of the efforts and lessons learned in*
33 *creating the streamlined permitting processes and modeling in*
34 *part after the California Solar Permitting Guidebook.*

35 (b) *A city, county, or city and county shall administratively*
36 *approve an application to install advanced energy storage through*
37 *the issuance of a building permit or similar nondiscretionary*
38 *permit, as applicable. Review of the application to install advanced*

1 energy storage shall be limited to the building official's review of
2 whether it meets all health and safety requirements of local, state,
3 and federal law. The requirements of local law shall be limited to
4 those standards and regulations necessary to ensure that the
5 advanced energy storage system will not have a specific, adverse
6 impact upon the public health or safety. However, if the building
7 official of the city, county, or city and county makes a finding,
8 based on substantial evidence, that the advanced energy storage
9 project or selected technology could have a specific, adverse
10 impact upon the public health and safety, the city, county, or city
11 and county may require the applicant to apply for a use permit.

12 (c) A city, county, or city and county shall not deny an
13 application for a use permit to install advanced energy storage
14 unless it makes written findings based upon substantial evidence
15 in the record that the proposed installation would have a specific,
16 adverse impact upon the public health or safety, and there is no
17 feasible method to satisfactorily mitigate or avoid the specific,
18 adverse impact. The findings shall include the basis for the
19 rejection of potential feasible alternatives of preventing the adverse
20 impact.

21 (d) The decision of the building official pursuant to subdivisions
22 (b) and (c) may be appealed to the planning commission of the
23 city, county, or city and county.

24 (e) Any conditions imposed on an application to install advanced
25 energy storage shall be designed to mitigate the specific, adverse
26 impact upon the public health and safety at the lowest cost possible.

27 (f) (1) Advanced energy storage system installations shall meet
28 applicable health and safety standards and requirements imposed
29 by state and local permitting authorities.

30 (2) Advanced energy storage installations shall meet all
31 applicable safety and performance standards established by the
32 California Building Standards Code, the California Electrical
33 Code, and accredited testing laboratories, such as Underwriters
34 Laboratories, and, where applicable, regulations of the Public
35 Utilities Commission regarding safety and reliability.

36 (g) (1) On or before January 31, 2018, every city, county, or
37 city and county with a population of 200,000 or more residents,
38 and on or before June 30, 2018, every city, county, or city and
39 county with a population of less than 200,000 residents, shall, in
40 consultation with the local fire department or district and the utility

1 *director, if the city, county, or city and county operates a utility,*
2 *adopt an ordinance, consistent with the goals and intent of this*
3 *section, that creates a streamlined permitting and inspection*
4 *process for advanced energy storage installations. The ordinance*
5 *shall substantially comply with the California Energy Storage*
6 *Permitting Guidebook created pursuant to subdivision (k). In*
7 *developing a streamlined permitting process, the city, county, or*
8 *city and county shall adopt a checklist of all requirements with*
9 *which advanced energy storage installations shall comply to be*
10 *eligible for expedited review. An application that satisfies the*
11 *information requirements in the checklist, as determined by the*
12 *city, county, or city and county, shall be deemed complete. Upon*
13 *confirmation by the city, county, or city and county of the*
14 *application and supporting documents being complete and meeting*
15 *the requirements of the checklist, and consistent with the ordinance,*
16 *a city, county, or city and county shall, consistent with subdivision*
17 *(b), approve the application and issue all required permits or*
18 *authorizations. Upon receipt of an incomplete application, a city,*
19 *county, or city and county shall issue a written correction notice*
20 *detailing all deficiencies in the application and any additional*
21 *information required to be eligible for expedited permit issuance.*
22 *An application submitted to a city, county, or city and county that*
23 *owns and operates an electric utility shall demonstrate compliance*
24 *with the utility's interconnection policies prior to approval.*

25 *(2) In developing the ordinance, the city, county, or city and*
26 *county shall refer to documented best practices in California,*
27 *including relevant practices or procedures from its own expedited*
28 *permitting process for rooftop solar pursuant to Section 65850.5*
29 *and for electric vehicle charging stations pursuant to Section*
30 *65850.7, and applicable safety-related findings published or*
31 *promoted by the Public Utilities Commission.*

32 *(3) In developing the streamlined permitting review and*
33 *checklist, the city, county, or city and county shall develop a*
34 *simplified standard plan so that an engineering plan check is*
35 *unnecessary for standard system configurations, known as an*
36 *"over-the-counter review." If the expedited review process requires*
37 *an engineering plan check, this check shall be completed no later*
38 *than five business days after the application is deemed complete.*

39 *(4) The checklist and required permitting documentation shall*
40 *be published on a publicly accessible Internet Web site, if the city,*

1 county, or city and county has an Internet Web site, and the city,
2 county, or city and county shall allow for electronic submittal of
3 a permit application and associated documentation, and shall
4 authorize the electronic signature on all forms, applications, and
5 other documentation in lieu of a wet signature by an applicant. If
6 a city, county, or city and county determines that it is unable to
7 authorize the acceptance of an electronic signature on all forms,
8 applications, and other documents in lieu of a wet signature by
9 an applicant, the city, county, or city and county shall state, in the
10 ordinance required under this subdivision, the reasons for its
11 inability to accept electronic signatures and acceptance of an
12 electronic signature shall not be required.

13 (h) A city, county, or city and county shall not condition
14 approval for any advanced energy storage installation permit on
15 the approval of the installation by an association, as that term is
16 defined in Section 4080 of the Civil Code.

17 (i) A city, county, or city and county shall calculate the
18 reasonable cost of executing the process as specified in this section.
19 The details and results of this calculation shall be reported to the
20 Energy Commission upon implementation of the expedited process
21 and the fee charged to each application will be reported to the
22 Energy Commission on an annual basis.

23 (j) Any fee charged for the permitting or inspection of an
24 advanced energy storage installation shall not be calculated based
25 on the value of the installation or any other factor not directly
26 associated with the cost to issue the permit.

27 (k) On or before September 30, 2017, the Governor's Office of
28 Planning and Research shall, in consultation with local building
29 officials, the State Fire Marshall, the storage industry, the Public
30 Utilities Commission, and other stakeholders, and through review
31 of any existing streamlined permitting practices used by cities,
32 counties, or city and counties, create a California Energy Storage
33 Permitting Guidebook modeled substantially on the California
34 Solar Permitting Guidebook.

35 (l) For purposes of this section, the following terms have the
36 following meanings:

37 (1) "A feasible method to satisfactorily mitigate or avoid the
38 specific, adverse impact" includes, but is not limited to, any
39 cost-effective method, condition, or mitigation imposed by a city,

1 county, or city and county on another similarly situated application
2 in a prior successful application for a permit.

3 (2) “Advanced energy storage” means an energy storage system,
4 as defined in Section 2835 of the Public Utilities Code, as well as
5 an energy storage system that is designed to provide backup energy
6 services in the event of a grid outage, that is limited to either of
7 the following:

8 (A) Electrochemical energy storage in nonventing packages.

9 (B) Customer sited installations.

10 (3) “Customer sited” means the system is interconnected to the
11 electrical grid through an existing retail customer interconnection.

12 (4) “Electronic submittal” means the utilization of one or more
13 of the following:

14 (A) Email.

15 (B) The Internet.

16 (C) Facsimile.

17 (5) “Specific, adverse impact” means a significant, quantifiable,
18 direct, and unavoidable impact, based on objective, identified, and
19 written public health or safety standards, policies, or conditions
20 as they existed on the date the application was deemed complete.

21 SEC. 2. No reimbursement is required by this act pursuant to
22 Section 6 of Article XIII B of the California Constitution because
23 a local agency or school district has the authority to levy service
24 charges, fees, or assessments sufficient to pay for the program or
25 level of service mandated by this act, within the meaning of Section
26 17556 of the Government Code.

27 ~~SECTION 1. Section 14770 of the Government Code is~~
28 ~~amended to read:~~

29 ~~14770. The director shall establish and staff within the~~
30 ~~department the “forms management center” for the orderly design,~~
31 ~~implementation, and maintenance of a statewide forms management~~
32 ~~program.~~